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10/084,176	02/28/2002	Matthew Plan	P21784	4794

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

5  
DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/084,176

Applicant(s)

PLAN, MATTHEW

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: .  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 6/10/2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The Internet website "Interactive Voice Response (IVR)" and the Internet website "Professional Voice over for telephone systems" have not been considered because there were no copy attached.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 6,122,345).

Regarding **claim 1**, Johnson discloses a method for developing and processing automatic response unit services (column 1, lines 17-20), (which reads on claimed "a method for implementing a customized instance of a dynamic interactive voice system for a customer"), the method comprising:

configuring a call flow (column 25, line 49 "a node action") that incorporates a plurality of call flow nodes (column 25, line 55 "following actions") within a framework (column 25, line 49 "a control flow") of a predetermined interactive voice response application (column 25, line 52 "an ARU service"), the plurality of call flow nodes comprising different node types (column 25, line 55 "following actions") that are interchangeable with respect to call flow incorporation, the different node types comprising at least one standard node (column 25, line 49 "a node action") and at least one preprogrammed designer tool kit module (column 25, line 51 "GUI"), each designer tool kit module comprising an application (column 25, line 51 "GUI tool") separate from the predetermined interactive voice response application (column 25, lines 47-60) [The user process a node action for an ARU service trough a GUI tool to implement the service];

storing the call flow in association with an identification of the customer (column 27, lines 15-31) [The service is stored in the file of the ARU service encoding form];

activating the stored call flow in response to a call (column 4, line 42 "a telephone call") to a dialed number associated with the customized instance (column 4, lines 39-47) [It is inherent that the caller will use a telephone number to call the ARU service to receive options]; and

processing at least one call flow node (column 4, line 49 "messages to a caller") of the stored call flow (column 4, lines 47-55) [The ARU service will play messages to the caller receiving the input and processing it].

Regarding **claim 2**, Johnson discloses displaying at least one data field relating to at least one parameter of each call flow node at a display terminal, the at least one parameter directing processing of the associated call flow node (column 27, lines 46-51); and

receiving data defining the at least one parameter from the display terminal (column 27, lines 46-51).

Regarding **claim 3**, Johnson discloses the at least one parameter comprises an identification number of a selected call flow node of the plurality of call flow nodes to be processed after the at least one call flow node (column 10, lines 25-31).

Regarding **claim 4**, Johnson discloses in which an initial call flow node of the plurality of call flow nodes comprises a menu node (column 9, lines 42-46).

Regarding **claims 5 and 9**, Johnson discloses in which the at least one standard node comprises one of a menu node, a transfer node, a vocabulary node and an end node (column 9, lines 42-46).

Regarding **claim 6**, Johnson discloses in which the at least one designer tool kit module comprises one of an automatic attendant module and a names directory module (column 8, lines 10-32).

Regarding **claim 7**, Johnson discloses a method for developing and processing automatic response unit services (column 1, lines 17-20), (which reads on claimed “a method for configuring for a customer a customized instance of a dynamic interactive voice application without altering the underlying computer programming of the dynamic interactive voice application”), the customized instance being executed in response to calls to a telephone number of the customer (column 4, lines 39-47), the method comprising:

storing a plurality of nodes (column 25, line 55 “following actions”) executable by the dynamic interactive voice application (column 25, line 52 “an ARU service”), each node of the plurality of nodes being one of a plurality of predetermined node types comprising at least one standard node type (column 25, line 49 “a node action”) included in the dynamic interactive voice application and at least one feature specific node type (column 25, line 55 “following actions”) independent of the dynamic interactive voice application (column 25, lines 47-60) [The user process a node action for an ARU service through a GUI tool to implement the service];

displaying a data field (column 27, line 46 “the tree structure”) for each node at a graphical user interface (column 27, line 46 “the GUI”), the data field corresponding to a variable parameter (column 27, line 51 “service nodes”) associated with the node type of the node (column 27, lines 46-51) [The GUI tool displays the tree structure of the ARU service to the user]; and

receiving data (column 27, line 9 “a path name”) via the graphical user interface corresponding to the data field of each node, the data indicating a predetermined

function (column 27, lines 9-10 "ARU service") to be performed by the corresponding node and establishing a call flow (column 27, line 14 "appropriate format") of the customized instance, the dynamic interactive voice application executing the predetermined function in accordance with the call flow regardless of the node type (column 27, lines 8-14) [The GUI tool prompts the user for the path name and determines whether or not the file existed and in the appropriate format].

Regarding **claim 8**, Johnson discloses in which the data entered in the data field of each node comprises at least an identification number of a second node of the plurality of nodes, indicating that the call flow proceeds to the second node (column 27, lines 46-51).

Regarding **claim 10**, Johnson discloses the data entered in the data field of a node from the menu node type comprising an identification number of a second node of the plurality of nodes, indicating that the call flow proceed to the second node when a caller selects a menu item number corresponding to the identification number of the second node (column 8, lines 10-32).

Regarding **claim 11**, Johnson discloses the data entered in the data field of a node from the vocabulary node type comprising a predetermined vocabulary tag to be spoken via a voice generator to a terminal of a caller (column 8, lines 10-32).

Regarding **claim 12**, Johnson discloses the data entered in the data field of a node from the transfer node type comprising a transfer destination code (column 8, lines 10-32).

Regarding **claim 13**, Johnson discloses, the at least one feature specific node type comprising one of an auto attendant module, a names directory module, a call library module, a voice forms module and a zip code locator module (column 8, lines 44-52).

Regarding **claim 14**, Johnson discloses a system for developing and processing automatic response unit services (column 1, lines 17-20), (which reads on claimed “a system for implementing a customized instance of a dynamic interactive voice system for a customer”), the system comprising:

an interactive voice response system (column 25, line 52 “ARU service”) comprising a preprogrammed IVR application (column 25, line 51 “GUI tool”);

a user terminal (caller 1 on FIG. 3B) that enables assembly of a call flow (column 25, line 49 “a node action”) associated with the customized instance, the call flow incorporating a plurality call flow nodes (column 25, line 55 “following actions”) within the IVR application, the plurality of call flow nodes comprising a plurality of node types that are interchangeable for call flow incorporation, the different node types comprising at least one standard node (column 25, line 49 “a node action”) and at least one preprogrammed designer tool kit module (column 25, line 51 “GUI tool”), each designer



tool kit module comprising an application separate from the predetermined IVR application (column 25, lines 47-60) [The user process a node action for an ARU service through a GUI tool to implement the service]; and

a database (308 on FIG. 3A) that stores the call flow in association with at least one port of a plurality of ports of the IVR system (column 10, lines 46-62);

the IVR system initiating the IVR application in response to an incoming call (column 4, line 49 "messages to a caller") received at the at least one port and executing the plurality of call nodes as directed by the call flow associated with the at least one port in the database (column 4, lines 47-55) [The ARU service will play messages to the caller receiving the input and processing it].

Regarding **claim 15**, Johnson discloses the at least one port of the IVR system being associated with a telephone number of the customer, so that the incoming call is directed by a public switched telephone network to the at least one port based on calls to the customer telephone number (column 7, line 66 to column 8, line 9).

Regarding **claim 16**, Johnson discloses a system for developing and processing automatic response unit services (column 1, lines 17-20), (which reads on claimed "a system for configuring for a customer a customized instance of a dynamic interactive voice application without altering the underlying computer programming of the dynamic interactive voice application"), the customized instance being executed in response to

calls to a telephone number of the customer (column 4, lines 39-47), the system comprising:

an interactive voice response system (column 25, line 52 "ARU service") configured to execute a preprogrammed IVR application (column 25, line 51 "GUI tool");

a database (308 on FIG. 3A) that stores a plurality of nodes (column 25, line 55 "following actions") executable by the IVR application according to a call flow (column 25, line 49 "a node action") of the customized instance, each node of the plurality of nodes being one of a plurality of predetermined node types comprising at least one standard node type (column 25, line 49 "a node action") dependant on the IVR application and at least one feature specific node type independent of the IVR application (column 25, lines 47-60) [The user process a node action for an ARU service trough a GUI tool to implement the service]; and

a graphical user interface (column 27, line 46 "GUI tool") that receives the plurality of nodes from the database and displays a data field (column 27, line 46 "the tree structure") for each node corresponding to a variable parameter (column 27, line 51 "service nodes") associated with the node type of the node, the graphical user interface receiving data (column 27, line 9 "a path name"), input by a user (column 27, line 47 "the user"), corresponding to the data field of each node, the data indicating a predetermined function (column 27, line 54 "each entry") to be performed by the corresponding node and establishing the call flow of the customized instance, the IVR application executing the predetermined function in accordance with the call flow

regardless of the node type (column 27, lines 46-51) [The GUI tool displays the tree structure of the ARU service to the user].

Regarding **claim 17**, Johnson discloses a system for developing and processing automatic response unit services (column 1, lines 17-20), (which reads on claimed “a computer readable medium (312 on FIG. 3A) for storing a computer program that controls configuration and operation of an interactive voice response system for a customer according to a preprogrammed IVR application”), the computer readable medium comprising:

a configuration source code segment that enables configuring a call flow (column 25, line 49 “a node action”) that incorporates a plurality of call flow nodes (column 25, line 55 “following actions”) within a framework (column 25, line 49 “a control flow”) of the IVR application, the plurality of call flow nodes comprising at plurality of different node types (column 25, line 55 “following actions”) that are interchangeable in the framework of the IVR application, the plurality of different node types comprising at least one standard node (column 25, line 49 “a node action”) and at least one preprogrammed designer tool kit module (column 25, line 51 “GUI”), each designer tool kit module comprising an application (column 25, line 51 “GUI tool”) separate from the IVR application (column 25, lines 47-60) [The user process a node action for an ARU service trough a GUI tool to implement the service];

a memory (308 on FIG. 3A) that stores the call flow in association with at least one port of the IVR system, which corresponds to a telephone number of the customer (column 10, lines 46-62); and

an IVR source code segment that retrieves the call flow from the memory in response to an incoming call (column 4, line 49 "messages to a caller") to the at least one port and executes the IVR application as directed by the call flow (column 4, lines 47-55) [The ARU service will play messages to the caller receiving the input and processing it].

Regarding **claim 18**, Johnson discloses an administrative source code segment that is initiated by an escape code received by the IVR source code segment via the incoming call and that enables at least one of an addition, a deletion and a change of an administrative variable associated with the call flow (column 26, lines 50-64).

Regarding **claim 19**, Johnson discloses in which the administrative variable comprises one of a telephone extension number and a voice announcement (column 6, lines 15-33).

Regarding **claim 20**, Johnson discloses a system for developing and processing automatic response unit services (column 1, lines 17-20), (which reads on claimed "a computer readable medium (312 on FIG. 3A) for storing a computer program that enables configuration for a customer of a customized instance of a dynamic interactive

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voice application without altering the underlying computer programming of the dynamic interactive voice application”), the computer readable medium comprising:

a storing source code segment that stores a plurality of nodes (column 25, line 55 “following actions”) executable by the dynamic interactive voice application, each node of the plurality of nodes being one of a plurality of predetermined node types (column 25, line 55 “following actions”) comprising at least one standard node type (column 25, line 49 “a node action”) included in the dynamic interactive voice application and at least one feature specific node type (column 25, line 51 “GUI”) independent of the dynamic interactive voice application (column 25, lines 47-60) [The user process a node action for an ARU service through a GUI tool to implement the service]; and

an interfacing source code segment that displays a data field (column 27, line 46 “the tree structure”) for each node at a display terminal (320 on FIG. 3A), the data field corresponding to a variable parameter (column 27, line 51 “service nodes”) associated with the node type of the node, and that receives data (column 27, line 9 “a path name”) via the display terminal corresponding to the data field of each node, the data indicating a predetermined function (column 27, lines 9-10 “ARU service”) to be performed by the corresponding node and establishing a call flow (column 27, line 14 “appropriate format”) of the customized instance, the dynamic interactive voice application executing the predetermined function in response to an incoming call (column 4, line 49 “messages to a caller”) to a telephone number of the customer in accordance with the call flow, regardless of the node type (column 4, lines 39-55) [It is inherent that the caller will use a telephone number to call the ARU service to receive options].

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bjornberg et al. is cited for telecommunications architecture for call center services using advanced IVR (FIG. 1).

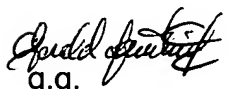
Ball et al. is cited for a structured voicemail message (FIG. 1).

Diedrich is cited for an interpreter program for providing commands to a computer application program (FIG. 1).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

  
g.g.  
June 23, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

